IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 19757 of 2007(B)

PETITIONER:

S. RAMESH, S/O. SUNDARAM,
AGED 43 YEARS, RESIDING AT T.C.20/1343,
MANGAD LANE, KARAMANA P.O., TRIVANDRUM-2.

BY ADV. SRI.M.RAMASWAMY PILLAI
SRI.P.M.JOSEPH

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTD BY THE SECRETARY, HOME,
GOVERNMENT OF KERALA, TRIVANDRUM.

2. DISTRICT COLLECTOR,
COLLECTORATE, TRIVANDRUM.

3. TAHSILDAR,
TRIVANDRUM TALUK, TRIVANDRUM.

4. COMMISSIONER OF POLICE, TRIVANDRUM.

5. AUTHORISED OFFICE,
ING VYSYA BANK, REGIONAL OFFICE,PARAPILLIL ARCADE,
PANAMPILLY NAGAR, ERNAKULAM-682 036.

6. ING VYSYA BANK,
PUVAR BRANCH, PUVAR, TRIVANDRUM,
REPRESENTED BY ITS MANAGER.

7. REGIONAL MANAGER,
ING VYSYA BANK, PARAPPILLIL ARCADE,
PANAMPILLY NAGAR, ERNAKULAM-682 036.

8. SURESH KUMAR, S/O. SUNDARAM,
AGED 39 YEARS, RESIDING AT BLOCK 155-UNIT,
02-742 ANG-MOKIO, AVENUE 4, SINGAPORE-560 155.

9. MANJUSHA RANI, W/. SURESH KUMAR,
RESIDING AT BLOCK 155-UNIT, 02-742, ANG-MOKIO,
AVENUE 4 SINGAPORE-560 155.

BY ADV. SRI.R.S.KALKURA
G.P. SHRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 19757/07.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE TREATMENT RECORDS.

P2. COPY OF THE NOTICE DTD.5.1.07 BY R5.

P3. COPY OF THE REPRESENTATION DTD.25.6.07 BEFORE R5 TO R7.

P4. COPY OF THE POSTAL RECEIPTS.

P5. COPY OF THE NOTICE DTD.3.4.07 BY R5.

P6. COPY OF THE STATEMENT OF ACCOUNTS.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No. 19757 of 2007

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Dated this the 23rd day of August, 2007

J U D G M E N T

The petitioner challenges proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act ("the Act" for short). On 27.6.2007 I had granted an interim order of stay on condition that the petitioner pays an amount of Rs.5 lakhs within one month. The petitioner filed I.A.No.10410/07 seeking extension of time. I granted extension of time by two weeks for paying the balance out of Rs.5 lakhs, since the petitioner had paid Rs.2 lakhs. Now the petitioner has filed another I.A. seeking further extension of time to pay the balance. I am not inclined to extend the time further.

2. It is settled law that the proceedings under the Act has to be challenged before the DRT in an appeal as provided under the Act itself. The Supreme Court has held that this court

in exercise of jurisdiction under Article 226 of the Constitution of India shall not ordinarily interfere with such proceedings. The petitioner has also not made out any special circumstances warranting interference under Article 226 of the Constitution of India. In the above circumstances, I am not inclined to entertain this writ petition and accordingly the same is dismissed.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.